

1 H.453

2 Introduced by Representative Young of Glover

3 Referred to Committee on

4 Date:

5 Subject: Health; dispensaries; marijuana testing

6 Statement of purpose of bill as introduced: This bill proposes to permit the  
7 registration of independent marijuana testing facilities.

8 An act relating to permitting registered marijuana testing facilities

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 18 V.S.A. § 4472 is amended to read:

11 § 4472. DEFINITIONS

12 As used in this subchapter:

13 \* \* \*

14 (14) "Transport" means the movement of marijuana and  
15 marijuana-infused products from registered growing locations to their  
16 associated dispensaries, between dispensaries, between dispensaries and  
17 marijuana testing facilities, to registered patients and registered caregivers in  
18 accordance with delivery protocols, or as otherwise allowed under this  
19 subchapter.

20 \* \* \*



1 marijuana and the theft of marijuana and shall ensure that each location has an  
2 operational security alarm system. All testing of marijuana shall take place in  
3 an enclosed, locked facility which is either indoors or otherwise not visible to  
4 the public and which can only be accessed by principal officers and employees  
5 of the testing facility who have valid registry identification cards. The  
6 Department of Public Safety shall perform an annual on-site assessment of  
7 each marijuana testing facility and may perform on-site assessments of a  
8 testing facility without limitation for the purpose of determining compliance  
9 with this subchapter and any rules adopted pursuant to this subchapter and may  
10 enter a testing facility at any time for such purpose.

11 (2) A testing facility may transport marijuana to or from a registered  
12 dispensary. The marijuana shall be transported in a locked container.

13 (3) The operating documents of a testing facility shall include  
14 procedures for the oversight of the testing facility and procedures to ensure  
15 accurate record-keeping of the transport, analysis, and disposal of samples.

16 (4) A testing facility shall destroy any marijuana or marijuana-infused  
17 products upon the completion of its analysis.

18 (c) Each testing facility shall:

19 (1) develop, implement, and maintain on the premises employee policies  
20 and procedures, including a job description or employment contract developed

1 for all employees that includes duties, authority, responsibilities, qualification,  
2 and supervision; and

3 (2) provide each employee, at the time of his or her initial appointment,  
4 training in the following:

5 (A) the proper use of security measures and controls that have been  
6 adopted; and

7 (B) specific procedural instructions on how to respond to an  
8 emergency, including robbery or violent incident.

9 (d)(1) No marijuana testing facility, principal officer, board member, or  
10 employee of a testing facility shall:

11 (A) acquire, possess, transfer, or transport marijuana or  
12 marijuana-infused products for any purpose except to provide research and  
13 analysis on the marijuana or marijuana-infused product for a registered  
14 dispensary;

15 (B) acquire usable marijuana or marijuana-infused products from any  
16 source other than a registered dispensary; or

17 (C) transfer or transport usable marijuana or marijuana-infused  
18 products to any person other than a registered dispensary.

19 (2) A person found to have violated subdivision (1) of this subsection  
20 may no longer serve as a principal officer, board member, or employee of any

1 testing facility, and such person's registry identification card shall be  
2 immediately revoked by the Department of Public Safety.

3 (3) The board of a testing facility shall be required to report to the  
4 Department of Public Safety any information regarding a person who violates  
5 this section.

6 (e)(1) A registered testing facility shall not be subject to the following,  
7 provided that it is in compliance with this subchapter:

8 (A) prosecution for the acquisition, possession, transfer, or transport  
9 of marijuana or marijuana-infused products for symptom relief in accordance  
10 with the provisions of this subchapter and any rule adopted by the Department  
11 of Public Safety pursuant to this subchapter;

12 (B) inspection and search, except pursuant to this subchapter or upon  
13 a search warrant issued by a court or judicial officer;

14 (C) seizure of marijuana or marijuana-infused products, except upon  
15 a valid order issued by a court; or

16 (D) imposition of any penalty or denied any right or privilege,  
17 including imposition of a civil penalty or disciplinary action by an  
18 occupational or professional licensing board or entity, solely for acting in  
19 accordance with this subchapter to provide analysis to registered dispensaries.

20 (2) No principal officer, board member, or employee of a testing facility  
21 shall be subject to arrest, prosecution, search, seizure, or penalty in any manner

1 or denied any right or privilege, including civil penalty or disciplinary action  
2 by an occupational or professional licensing board or entity, solely for working  
3 for or with a testing facility to engage in acts permitted by this subchapter.

4 (f) A marijuana testing facility shall not be considered a laboratory under  
5 § 4207 of this title and shall not be required to obtain a certificate of approval  
6 from the Board of Health.

7 Sec. 4. 18 V.S.A. § 4474o is added to read:

8 § 4474o. MARIJUANA TESTING FACILITY APPLICATION,

9 APPROVAL, AND REGISTRATION

10 (a)(1) The Department of Public Safety shall adopt rules on the following:

11 (A) the form and content of marijuana testing facility registration and  
12 renewal applications;

13 (B) minimum oversight requirements for a testing facility;

14 (C) minimum record-keeping requirements for a testing facility;

15 (D) minimum security requirements for a testing facility, which shall  
16 include a fully operational security alarm system;

17 (E) procedures for suspending or terminating the registration of a  
18 testing facility that violates the provisions of this subchapter or the rules  
19 adopted pursuant to this subchapter;

20 (F) the medium and manner in which a testing facility may notify  
21 dispensaries of its services;

1           (G) procedures to guide reasonable determinations as to whether an  
2           applicant would pose a demonstrable threat to public safety if he or she were to  
3           be associated with a testing facility;

4           (H) procedures for providing notice to applicants regarding federal  
5           law with respect to marijuana; and

6           (I) acceptable testing and research practices, including testing  
7           standards, quality control analysis, equipment certification and calibration,  
8           chemical identification, and ongoing quality assurance.

9           (2) The Department of Public Safety shall adopt such rules with the goal  
10          of protecting against diversion and theft without imposing an undue burden on  
11          a registered testing facility. Any records that a registered testing facility is  
12          required to keep shall track sample transfers according to registered dispensary  
13          identification numbers. A registered testing facility shall not receive or have  
14          access to patient records from a registered dispensary.

15          (b) On January 1, 2016, the Department shall begin accepting applications  
16          for the operation of marijuana testing facilities. By July 1, 2016, the  
17          Department shall grant registration certificates to three testing facilities. No  
18          more than three testing facilities shall hold valid registration certificates at one  
19          time. Any time a testing facility registration certificate is revoked, is  
20          relinquished, or expires, the Department shall accept applications for a new  
21          testing facility. If at any time after one year after the effective date of this

1 section fewer than three testing facilities hold valid registration certificates in  
2 Vermont, the Department of Public Safety shall accept applications for a new  
3 testing facility.

4 (c) Each application for a testing facility registration certificate shall  
5 include all of the following:

6 (1) a nonrefundable application fee in the amount of \$1,000.00 paid to  
7 the Department of Public Safety;

8 (2) the legal name, articles of incorporation, and bylaws of the  
9 testing facility;

10 (3) the proposed physical address of the testing facility, if a precise  
11 address has been determined or, if not, the general location where it would  
12 be located;

13 (4) a description of the enclosed, locked facility where marijuana will be  
14 analyzed by the testing facility;

15 (5) the name, address, and date of birth of each principal officer and  
16 board member of the testing facility and a complete set of fingerprints for each  
17 of them;

18 (6) proposed security and safety measures, which shall include at least  
19 one security alarm system for each location and planned measures to deter and  
20 prevent the unauthorized entrance into areas containing marijuana and the theft  
21 of marijuana; and

1           (7) proposed procedures to ensure accurate record-keeping.

2           (d) The sufficiency of the applicant's plans for safety and security,  
3           including the proposed location and security devices employed shall weigh  
4           heavily in the consideration of an application.

5           (e) The Department of Public Safety may deny an application for a testing  
6           facility if it determines that an applicant's criminal history record indicates that  
7           the person's association with a testing facility would pose a demonstrable  
8           threat to public safety.

9           (f) After a testing facility is approved but before it begins operations, it  
10          shall submit the following to the Department:

11           (1) the legal name and articles of incorporation of the testing facility;

12           (2) the physical address of the testing facility;

13           (3) the name, address, and date of birth of each principal officer and  
14          board member of the testing facility along with a complete set of fingerprints  
15          for each; and

16           (4) a registration fee of \$5,000.00 for the first year of operation.

17          (g) After a testing facility submits the initial \$5,000.00 registration fee set  
18          forth in subsection (f)(4) of this section, a testifying facility shall submit an  
19          annual fee of \$2,500.00 to the Department each subsequent year of its  
20          operation.

1 Sec. 5. 18 V.S.A. § 4474p is added to read:

2 § 4474p. MARIJUANA TESTING FACILITY REGISTRY

3 IDENTIFICATION CARD

4 The requirements for obtaining a marijuana testing facility registry  
5 identification card shall be the same as the requirements for a dispensary  
6 registry identification card, as set forth in section 4474g of this chapter.

7 Sec. 6. EFFECTIVE DATE

8 This act shall take effect on passage.